



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLR:KMA; 2018V00809

*271-A Cadman Plaza East, 7th Floor
Brooklyn, New York 11201*

June 5, 2019

BY ECF

Honorable Lois Bloom
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Ty Clevenger v. U.S. Department of Justice, *et al.*,
Civil Action No. 18-CV-01568 (LB)

Dear Judge Bloom:

The undersigned Assistant U.S. Attorney writes to respectfully request a forty-five (45) day extension of time for service of Defendants' motion for summary judgment in this Freedom of Information Act ("FOIA") action, and corresponding extensions of the remaining dates in the briefing schedule set forth in Your Honor's Order dated March 7, 2019. This is Defendants' second request for an extension of the briefing schedule. Plaintiff has kindly consented to the extension.

Pursuant to the original briefing schedule in the Order dated January 25, 2019, Defendants' motion was to be served by March 8, 2019, Plaintiff's response was to be served by April 8, and Defendants were to serve their reply and file the full briefed motion by April 29. However, Defendants requested and obtained a ninety (90) day extension of that briefing schedule. Pursuant to Your Honor's Order dated March 7, 2019, Defendants are to serve their motion June 7, Plaintiff's response is to be served by July 8, and Defendants are to serve their reply and file the full briefed motion by July 29.

Additional time is now requested primarily because Defendant Federal Bureau of Investigation ("FBI") has advised that in preparing its supporting declaration regarding the challenged the responses, it determined that some records should be reprocessed. The reprocessing may result in eliminating some of the redactions or withholdings that Plaintiff is

challenging.¹ In addition, the Office of Information Policy has continued to explore whether the extent of the redactions remaining at issue with respect to its responses can be narrowed.

If it is acceptable to the Court, the proposed new briefing schedule would be:

July 22, 2019	service of Defendants' motion for summary judgment
August 22, 2019	service of Plaintiff's response
September 12, 2019	service of Defendants' reply

We apologize for any inconvenience to the Court or Plaintiff.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
Attorney for Defendants

By: s/Kathleen A. Mahoney
KATHLEEN A. MAHONEY
Assistant U.S. Attorney
(718) 254-6026
kathleen.mahoney@usdoj.gov

cc: (By ECF)

Ty Clevenger
Plaintiff Pro Se

¹ The records at issue are those responsive to Plaintiff's requests to the FBI for: all documents and correspondence exchanged with Beth Wilkinson (or any other attorney or agent working with her) regarding Cheryl Mills and Heather Samuelson (First Amended Complaint ¶ 7); and records concerning nondisclosure agreements (First Amended Complaint FAC ¶ 13).